

07 JAN 2008



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In re Application of : DECISION
CHENG :
Application No.: 10/541,579 :
PCT No.: PCT/CN2004/000044 :
Int. Filing Date: 14 January 2004 :
Priority Date: 28 January 2003 :
Attorney Docket No.: AP058-05 :
For: COMPOSITE SANDWICH WALL PANEL :
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This decision is in response to applicant's petition to revive under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 21 December 2007.

BACKGROUND

On 14 January 2004, applicant filed international application PCT/CN2004/000044, which designated the U.S. and claimed a priority date of 28 January 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 23 September 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 July 2005.

On 06 July 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 13 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the name of the inventor on the declaration did not correspond with the name on the published international application. The NOTIFICATION set a two-month extendable period for reply.

On 14 July 2006, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed

13 October 2005 within the time period set therein.

On 21 December 2007, applicants filed the instant submission.

DISCUSSION

Declaration of the Inventor

Regarding the name of the inventor, the instant submission indicates that the inventor's name was incorrectly translated in the published international application and that the name as it appears on the declaration of inventors filed 06 July 2005 is correct.

Applicants' explanation of the difference in the spelling of Chi Wai Cheng's name is accepted and noted for the record.

The response filed 21 December 2007 is a proper reply to the NOTIFICATION OF MISSING REQUIREMENTS mailed 13 October 2005. The declaration of the inventor filed 21 December 2007 is in compliance with 37 CFR 1.497(a)-(b).

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), as noted above, the response filed 21 December 2007 is a proper reply.

As to item (2), applicant submitted the petition fee on 21 December 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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